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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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Civil Action No:

MEGHANN KINSELLA,

Plaintiff,

-against-

CITY OF NEW YORK,

Defendant.

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COMPLAINT

**SEAMAN'S CASE UNDER
THE JONES ACT FOR
PERSONAL INJURIES**

**SUITS UNDER SPECIAL RULE FOR SEAMEN TO
SUE WITHOUT SECURITY OR PREPAYMENT OF
FEES FOR THE ENFORCEMENT OF THE LAWS
OF THE UNITED STATES, COMMON AND STAT-
UTORY FOR THE PROTECTION OF AND FOR
THE HEALTH AND SAFETY OF SEAMEN AT SEA**

Plaintiff MEGHANN KINSELLA, complaining of the defendant CITY OF NEW YORK, by her attorneys FRIEDMAN, JAMES & BUCHSBAUM LLP, respectfully alleges as follows:

Jurisdictional & Venue Statement:

1. This Court has jurisdiction pursuant to the Jones Act, 46 U.S.C § 30104 and the general maritime law of the United States in that plaintiff MEGHANN KINSELLA was serving as a seaman aboard a vessel in navigable waters and sustained injuries while in the course and scope of her employment at the time of the incident giving rise to this action.

of her employment at the time of the incident giving rise to this action.

2. Venue is proper in this District pursuant to 45 U.S.C. § 56, as incorporated by the Jones Act, 46 U.S.C. § 30104, inasmuch as defendant CITY OF NEW YORK does business within this District and transacts business within the State of New York.

FIRST COUNT

3. At all times hereinafter mentioned, defendant CITY OF NEW YORK was a municipal corporation with offices within the State and City of New York.

4. At all times and dates hereinafter mentioned, defendant CITY OF NEW YORK owned the vessels LAUNCH 3 and LAUNCH 317.

5. At all times hereinafter mentioned, defendant CITY OF NEW YORK operated the vessels LAUNCH 3 and LAUNCH 317.

6. At all the times and dates hereinafter mentioned, defendant CITY OF NEW YORK controlled the vessels LAUNCH 3 and LAUNCH 317.

7. At all times, dates and places hereinafter mentioned, the plaintiff was a member of the crew of a fleet of vessels owned by defendant, including the vessels LAUNCH 3 and LAUNCH 317, and an employee of the defendant.

8. That on or about September 28, 2019, without any fault on the part of the plaintiff, and wholly and solely by reason of the negligence, recklessness and carelessness of the defendant CITY OF NEW YORK, its agents, servants and/or employees, and by reason of the unseaworthiness of its vessels LAUNCH 3 and LAUNCH 317, the plaintiff was caused to sustain injuries while attempting to transit from LAUNCH 3 to LAUNCH 317 in the East River.

9. As a result of the foregoing, the plaintiff was rendered sick, sore, lame and disabled and sustained severe permanent personal injuries, including but not limited to injuries to

her right ankle requiring multiple surgeries, was and is internally and externally disabled causing her to suffer pain, and for a time she was prevented from attending to her daily labors, thereby losing sums of money which she otherwise would have earned as wages and benefits, and has endeavored to be cured of her injuries, and has expended sums of money to maintain herself, and will continue to endure pain and suffering, all to her damage.

10. By reason of the foregoing, plaintiff has been damaged in the sum of FIVE MILLION (\$5,000,000.00) DOLLARS.

SECOND COUNT

11. Plaintiff repeats and realleges each and every allegation of the First Count in this Complaint as if fully set forth at length herein.

12. Plaintiff is entitled to maintenance, cure, and medical expenses for the period that she was disabled and unable to work in the total sum of FIVE HUNDRED THOUSAND (\$500,000.00) DOLLARS.

WHEREFORE, plaintiff MEGHANN KINSELLA demands judgment against defendant CITY OF NEW YORK in the First Count in the sum of FIVE MILLION (\$5,000,000.00) DOLLARS; and in the Second Count in the sum of FIVE HUNDRED THOUSAND (\$500,000.00) DOLLARS; together with interest and costs.

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Dated: New York, New York
September 9, 2022

FRIEDMAN, JAMES & BUCHSBAUM LLP
Attorneys for Plaintiff

By:



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